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Nintendo of America, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

PLAINTIFF and
COUNTER-
DEFENDANT,

V.

APPLE, INC.,

DEFENDANT and
COUNTER-
CLAIMANT.

Case No. 4:20-CV-05640-YGR

NON-PARTY NINTENDO OF AMERICA
INC.'S ADMINISTRATIVE MOTION TO
SEAL PORTIONS OF REDLINED CONTENT
LICENSE AND DISTRIBUTION
AGREEMENT

1 Non-party Nintendo of America Inc. (“NOA”) requests sealing of portions of a redlined
 2 version of Nintendo’s Content License and Distribution Agreement (“CLDA”). Nintendo brings
 3 this motion pursuant to Civil Local Rules 7-11 and 79-5.

4 On May 12, 2021, the Court ordered Nintendo or Epic to “submit a redline between the
 5 generic version and the [Epic-]specific version” of Nintendo’s CLDA to facilitate the Court’s
 6 consideration of sealing issues. (Dkt. 643 at 6.) In compliance with that order, attached as
 7 Exhibit 1 are highlighted sealed and redacted public versions of a redlined copy of the CLDA that
 8 shows changes made to the generic CLDA to create the specific CLDA executed by Nintendo and
 9 Epic.

10 NOA previously submitted to the Court a version of the Epic-specific CLDA that includes
 11 highlighting to indicate portions of the document that it seeks to have sealed. (Dkt. 624-1.) NOA
 12 also filed an administrative motion to seal those portions of the document and a supporting
 13 declaration. (Dkt. 624; Dkt. 624-4.) NOA seeks to have the same portions of the redlined CLDA
 14 sealed for the same reasons as articulated in its previous motion.

15 In some limited circumstances, where Nintendo and Epic agreed on deletions from the
 16 generic CLDA, NOA has requested sealing small portions of the Epic-specific CLDA that are the
 17 same as the generic CLDA. That approach is intended to prevent a reviewing party from
 18 knowing the exact language that the parties agreed to delete. NOA adopted this approach for its
 19 sealing requests relating to the following portions of the Epic-specific CLDA: Section 14.2.2,
 20 Section 14.4, Exhibit A Section 1.8, Exhibit A Section 5.1, Schedule 1 Section 3.7, and Schedule
 21 1 Section 7.

22 NOA respectfully requests that the Court grant this motion.

23
 24 DATED: May 18, 2021

s/David Chiappetta
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Attorneys for Non-Party
 Nintendo of America Inc.

CERTIFICATE OF SERVICE

☒ I hereby certify that on May 18, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the CM/ECF registrants in this case.

s/ David Chiappetta
Attorney